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22 Attorneys for Plaintiffs CISCO SYSTEMS, INC. and
23 CISCO TECHNOLOGY, INC.

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IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA

17 CISCO SYSTEMS, INC.; and CISCO
18 TECHNOLOGY, INC.,

19 Plaintiffs,

20 v.

21 SHENZHEN USOURCE TECHNOLOGY CO.;
22 SHENZHEN WAREX TECHNOLOGIES CO.,
23 LTD.; and WAREX TECHNOLOGIES
24 LIMITED,

Defendants.

Case No. 5:20-cv-04773-EJD

**STIPULATION ON MICROSOFT
CORPORATION'S COMPLIANCE
WITH JULY 20, 2020 ORDER**

1 Plaintiffs Cisco Systems, Inc. and Cisco Technology, Inc. (together, “Cisco”), and non-
2 party Microsoft Corporation stipulate as follows.

3 1. On July 20, 2020, the Court entered a temporary restraining order. ECF No. 12.
4 This Order was issued without notice to or an opportunity to be heard from Microsoft.

5 2. The Order requires Microsoft to “deindex, delist, or otherwise remove from its
6 index and search results any URL owned, controlled, or otherwise associated with any
7 Restrained Party’s advertisement, offer for sale, or sale of Cisco-marked products and/or
8 products advertised using the CISCO Marks” (“URL Removal Requirements”)

9 3. On July 30, 2020, Microsoft received a copy of the Order, along with a letter
10 stating that Plaintiffs did not expect compliance with the Order until August 10, 2020.

11 4. On August 3, 2020, counsel for Microsoft contacted counsel for Plaintiffs,
12 explaining that Microsoft did not have sufficient information to comply with the Order, including
13 a list of URLs to be de-indexed. Later that day, counsel for Plaintiffs provided a consolidated
14 list of URLs, a copy of which is attached as Exhibit A, from Exhibits 3D and 3E to the 7/14/20
15 Declaration of the Third Witness, ECF Nos. 10-7 and 10-8, which are referenced in ECF No. 12.

16 5. Microsoft is in the process of de-indexing the URLs listed on Exhibit A, and
17 anticipates completing that process no later than August 10, 2020, after which Microsoft will
18 have complied with the URL Removal Requirements, except that Cisco reserves its rights to
19 identify additional URLs, and Microsoft reserves its rights to object.

20 6. The Order also requires Microsoft to “disable and be restrained from providing
21 any services to any Restrained Party, currently or in the future, in relation to the advertisement,
22 offer for sale, or sale of Cisco-marked products and/or products advertised using the CISCO
23 Marks; [and] disable and be restrained from displaying any advertisements used by or associated
24 with any Restrained Party in connection with the advertisement, offer for sale, or sale of Cisco-
25 marked products and/or otherwise using the CISCO Marks” (“Future Account Requirements”)

26 7. Microsoft has made a good faith effort to prevent the creation of any Bing Ads
27 accounts by anyone providing the following account name or contact information, each term in
28 its exact form: Shenzhen Usource Technology Co.; Shenzhen Warex Technologies Co.; Warex

1 Technologies Limited; kc@usourcetech.com; service@usourcetech.com; sales@warex.cn;
2 Laural@warex.cn; jeff@usourcetech.com; Shenzhen Youxinyuan Technology Co.; Yuan
3 Jianqing; Kwong Weitian; Shenzhen Weixun Optical Technology Co., LTD.;
4 raymondh@warex.cn; Chu Xiaozhe; and Chu Tianxiang (collectively, “Restrained
5 Parties”). Microsoft has complied with the Future Account Requirements of the Order, except
6 that Cisco reserves its rights to identify additional name or contact information, and Microsoft
7 reserves its rights to object.

8 8. The Order also requires that Microsoft “take all steps necessary to prevent links to
9 Defendants’ online marketplace accounts from displaying any Cisco-marked product and/or
10 product advertised using the CISCO Marks in search results; and within three business days of
11 receipt of this Order provide to counsel for Cisco a statement certifying compliance with the
12 requirements of this paragraph.” (“Current Account Requirements”).

13 9. Microsoft has located no Bing Ads accounts in the names of or using the email
14 addresses of the Restrained Parties and so has complied with the Current Account Requirements,
15 except that Cisco reserves its rights to identify additional name or email address information, and
16 Microsoft reserves its rights to object.

17 10. The Order also requires Microsoft to “produce to Cisco expedited discovery,
18 including copies of all documents and records in such person’s or entity’s possession, custody, or
19 control relating or referring to”

- 20 1. the names, addresses, and other contact information, including any and all
21 associated email addresses, of any of the Restrained Parties;
- 22 2. the nature of any of the Defendants’ operations (including, but not limited to,
23 identifying information associated with any Internet stores or online marketplace
24 accounts), methods of payment, transportation, and listing history concerning the
25 advertisement, offer for sale, or sale of Cisco-marked products and/or products
26 advertised using the CISCO Marks;
- 27 3. any online marketplace accounts registered by Defendants, along with the true
28 identities and contact information of the registrants of each online marketplace

1 account to the extent the privacy protection service for any of Defendants' 2 Internet stores, seller identifications, online marketplace accounts, commercial 3 Internet websites, store URLs, and email addresses has concealed the registrant's 4 identity and contact information;

5 4. any financial accounts owned or controlled by any of the Restrained Parties, 6 including such accounts residing with or under the control of any Payment 7 Service (as defined above);

8 5. the names and electronic and physical addresses of every owner and employee 9 of each of the Restrained Parties; and

10 6. any other documents concerning or relating to any of the Restrained Parties.

11 ("Discovery Requirements").

12 11. Based on a URL alone, Microsoft cannot ascertain any identifying non-public 13 information about the domain name owner, so Plaintiffs and Microsoft agree that Microsoft 14 cannot provide further information at this time and has satisfied the Discovery Requirements, 15 except that Cisco reserves its rights to provide additional information that may enable Microsoft 16 to provide discovery in the future, and Microsoft reserves its rights to object.

17 12. So long as Microsoft has de-indexed the URLs listed on Exhibit A by August 10, 18 2020, Microsoft has complied with the Order as set forth above.

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2 DATED: August 6, 2020
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Respectfully submitted,

BARTKO ZANKEL BUNZEL & MILLER
A Professional Law Corporation

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MICROSOFT CORPORATION
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1 **[PROPOSED] ORDER**
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3 It is SO ORDERED.
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6 Dated this ____ day of August, 2020.
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11 _____
12 UNITED STATES DISTRICT JUDGE
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DAVIS WRIGHT TREMAINE LLP